

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DIANDRE WILLIS § No. 195, 2021
FOR A WRIT OF CERTIORARI §

Submitted: July 12, 2021
Decided: July 20, 2021
Corrected: July 21, 2021

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After careful consideration of the petition for a writ of certiorari, the notice to show cause, and the parties’ responses, it appears to the Court that:

(1) The petitioner, DiAndre Willis, seeks to invoke the original jurisdiction of this Court, under Supreme Court Rule 43, to issue a writ of certiorari to review and reverse the Court of Common Pleas’ finding of probable cause at Willis’ preliminary hearing. On June 23, 2021, the Senior Court Clerk issued a notice directing Willis to show cause why his petition should not be dismissed under Supreme Court Rule 43(b)(vi) because the petition was not first presented to the Superior Court. In response to the notice to show cause, Willis states that he did file the petition in the Superior Court.

(2) Rule 43(b)(vi) provides that a petitioner may not file in this Court a complaint for a petition of certiorari directed to the Court of Common Pleas “unless a petition for such writ shall have been first presented to and denied by the Superior

Court.”¹ At the Court’s direction, the State has supplied the Court with a copy of the Superior Court docket, which reflects that neither the petition nor its denial has been docketed in the Superior Court. Accordingly, Willis’ petition must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rules 29(b) and 43, that the petition for the issuance of a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ Del. Supr. Ct. R. 43(b)(vi).